

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8310 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

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AMRATLAL I PATEL

Versus

STATE OF GUJARAT

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Appearance:

MR AV DABHI for Petitioners

MR MUKESH PATEL for Respondent No. 1, 2

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 21/10/1999

ORAL JUDGEMENT

In this case notice was issued by this court to the respondents on 18th January, 1991 and interim relief in terms of para-18 (B) was granted. Para-18(B) reads as under:

That pending admission, hearing and final disposal of this petition, Your Lordships be pleased to stay the execution and implementation

of the orders annexures F and G.

Thereafter this matter was admitted on 12th April, 1991. It is really shocking that the respondents have not cared to file reply to the special civil application after notice and the court had no option but to admit the same. Even thereafter though more than eight years and six months have passed, the State of Gujarat and its officers have not cared to file reply to the special civil application. Even after the Urban Land (Ceiling & Regulation) Repeal Act, 1999, has come into force, they have not cared to see that affidavit in such matters regarding possession of disputed land has been filed.

Taking into consideration the totality of the facts of this case, the fact that reply to the special civil application has not been filed by the respondents, the respondents have not made any statement that the possession of the disputed land has been taken by them and interim relief granted by this court, it is to be taken that the petitioners are in possession of the land in dispute and as a result thereof, this petition abates in view of the provisions of Urban Land (Ceiling & Regulation) Repeal Act, 1999 and the same is dismissed. Rule discharged. Interim relief granted by this court stands vacated. No order as to costs. However, liberty is granted to the respondents for revival of this special civil application in case of difficulty.

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